

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TANISIA N. BAKER, a resident of Georgia

Plaintiff,

v.

CARL WEBER, a resident of New York,
individually and as officer of URBAN
BOOKS, LLC, URBAN BOOKS MEDIA,
LLC and KENSINGTON PUBLISHING
CORPORATION, URBAN BOOKS, LLC,
d/b/a URBAN AUDIOBOOKS, a New York
limited liability company, URBAN BOOKS
MEDIA, LLC, a New York limited liability
company; KENSINGTON PUBLISHING
CORPORATION a New York corporation,
VICKIE STRINGER, individually and as an
officer of VICKIE STRINGER PUBLISHING
LLC d/b/a TRIPLE CROWN
PUBLICATIONS, VICKIE STRINGER
AGENCY LLC d/b/a TRIPLE CROWN
PUBLICATIONS, VICKIE STRINGER
PUBLISHING LLC d/b/a TRIPLE CROWN
PUBLICATIONS and VICKIE STRINGER
AGENCY LLC d/b/a TRIPLE CROWN
PUBLICATIONS.

Defendants.

Civil Action No. 1:19-cv-01093 (JPC)

ECF Case

**PLAINTIFF’S STATEMENT OF
MATERIAL FACTS PURSUANT TO
SDNY LOCAL CIVIL RULE 56.1 IN
SUPPORT OF HER MOTION FOR
SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1(a), and in connection with Plaintiff’s Motion for Summary Judgment, Plaintiff Tanisia N. Baker hereby submits the following statement of material facts as to which she contends there is no genuine issue to be tried:

1. Plaintiff is the author and copyright claimant of the work “Sheisty” Reg. Numbers TXu001142798/2003-0819. **Exhibit 1.**
2. Plaintiff is the author of the work “Still Sheisty” TXu001200086/2004-09-08. **Exhibit 2.**

3. Defendants combined Sheisty and Still Sheisty in a third publication, “The Sheisty Saga.” **Exhibit 21 [Weber Tr.], 68:8-19.**
4. Plaintiff signed a publishing agreement with Triple Crown Publications, LLC (“Triple Crown Publications”) on November 1, 2003. **Exhibit 3.**
5. Triple Crown Publications was dissolved in June 2010. **Exhibit 4.**
6. On May 11, 2009, Triple Crown Publications assigned the publishing rights to Plaintiff’s works “Sheisty” and “Still Sheisty” to Vickie Stringer Publishing, LLC (“Stringer Publishing”). The assignment was recorded in the copyright office. **Exhibit 13.**
7. Triple Crown Productions, LLC (“Triple Crown Productions”) had its status permanently revoked by the Department of State of Nevada on June 30, 2012 and never reinstated. **Dkt. No. 5-8.**
8. Urban Books, LLC (“Urban Books”) is a book publisher and distributor located in New York. **Exhibit 3, ¶ 4.**
9. Kensington Publishing Corp. (“Kensington”) is a professional publisher and was responsible for the distribution of Plaintiff’s Works. **Exhibit 12, ¶ 125; Exhibit 21 [Weber Tr.], 27:9-13.**
10. Carl Weber (“Weber”) is a majority owner and managing member of Urban Books, and has had the title of Publisher at Urban Books for 17 years. He also supervises different departments within Urban Books, including editorial and finance. **Exhibit 11, ¶ 3; Exhibit 21 [Weber Tr.], 10:1-12:16.**
11. On October 20, 2014, Triple Crown Publications, as Licensor, signed a licensing agreement with Urban Books c/o Kensington involving the publication rights of 15 books including

plaintiff's Works "Sheisty" and "Still Sheisty" and the books "A hustler's son", "Black & Ugly" by the author, Toy Styles. **Exhibit 11, ¶ 35; Exhibit 14.**

12. Urban Books published and distributed plaintiff's Works in various formats as audiobooks and Kindle edition as follows:

- a. In April 2015, Urban Books published Sheisty as a trade paperback, and subsequently as e-book and audiobook. **Exhibit 19.**
- b. In December 2015, Urban Books published Sheisty as mass market paperback, as well as e-book and audiobook. **Exhibit 19.**
- c. In January 2016 Urban Books published Still Sheisty as a trade paperback, e-book and audio book. **Exhibit 19.**
- d. In November 2017, Urban Books also published Still Sheisty as a mass market paperback, as well as e-book and audio book. **Exhibit 19.**
- e. In April 2017, Urban Books published The Sheisty Saga, as a trade paperback and as e-book. **Exhibit 19.**
- f. In July 2018, Urban Books published The Sheisty Saga as mass market paperback, e-book and audiobook. **Exhibit 19.**

13. On or about March 25, 2015, Toy Styles contacted Weber demanding that Urban Books cease publishing her books. In support of her request, Ms. Styles attached a copy of her federal complaint against Stringer and her entities. **Exhibit 11, ¶ 43; Exhibits 15, 16.**

14. Mr. Weber did not publish Ms. Styles' works following her request. **Exhibit 21 [Weber Tr.], 87:1-24; 89:1-90:25.**

15. On or about September 6, 2018, Defendants Weber and Urban Books received a letter from Plaintiff's counsel, advising Weber and Urban Books of their infringement on Plaintiff's Works and of potential litigation. **Exhibit 11, ¶ 46; Exhibit 17.**

16. Ms. Baker and Carl Weber never discussed the Works prior to the commencement of this litigation. **(Exh. 21 [Weber Tr.], 16:13-25).**

17. Plaintiff never received any payments from Defendants in connection to her Works. **Exhibits 19, 20.**

18. Urban Books is in possession of certain proceeds from the sale of Plaintiff's Works. **Exhibit 11, ¶ 128.**

Dated: New York, New York
February 26, 2021

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